

Assembly Bill No. 1154

CHAPTER 872

An act to amend Sections 8483 and 8483.7 of, and to add Sections 8482.8 and 32270.5 to, the Education Code, relating to school safety, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 8, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1154, Torlakson. School safety.

Existing law, the Interagency School Safety Demonstration Act of 1985 establishes the School/Law Enforcement Partnership comprised of the Superintendent of Public Instruction and the Attorney General, and sets forth its duties, including, but not limited to, the administration of interagency safe school programs, procedures, and activities conducted pursuant to the School Safety Act.

This bill would require the partnership to discuss with providers of telephone equipment and services, and to acquire information regarding, the availability of no-cost or reduced-cost cellular telephones and services to be provided on a statewide basis to each public school teacher for use as a classroom safety device and other school-related uses, and would require the partnership to ensure that schools are provided with this information for consideration in developing its plan.

Existing law establishes the After School Learning and Safe Neighborhoods Partnerships Program, which serves pupils in kindergarten and grades 1 to 9, inclusive, at participating elementary, middle, and junior high school sites. Under existing law, every after school program established pursuant to the program is required to operate a minimum of 3 hours a day and at least until 6 p.m. on every regular schoolday.

This bill would authorize after school programs established pursuant to the After School Learning and Safe Neighborhoods Partnerships Program for pupils in middle school or junior high school to implement a flexible attendance schedule for those pupils.

Under existing law, every school that establishes a program pursuant to the After School Learning and Safe Neighborhoods Partnerships Program is eligible to receive a 3-year renewable incentive grant for up to \$5 per day per pupil.

This bill would, alternatively, authorize a school that establishes a program serving middle or junior high school pupils to elect to

receive \$5 per pupil for each 3 hours of pupil attendance, with a maximum total reimbursement of \$25 per pupil per week.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the School Safety Act of 2000.

SEC. 2. The Legislature finds and declares all of the following:

(a) The California Constitution declares that all students and staff of primary, elementary, junior high, and senior high school have the inalienable right to attend campuses that are safe.

(b) The safety of pupils, teachers, and school employees is one of the foremost public policy issues facing our state.

(c) Recent events in California and nationally make it clear that violence is a real threat in our public schools.

(d) The elimination of guns and other weapons from school classrooms and campuses is of paramount importance.

(e) In order to protect the safety of pupils, schools and teachers should be integrated into local emergency networks at all times.

(f) School safety would be enhanced if all teachers were equipped with a cellular telephone they could use inside or outside of the classroom for emergencies.

(g) Comprehensive and long-term violence prevention efforts include appropriate funding for school safety equipment and devices that help to eliminate guns, weapons, gangs, drugs, and other threats to pupils and staff from schools and for the acquisition, construction, or alteration of school facilities necessary to make campuses more safe.

SEC. 3. Section 8482.8 is added to the Education Code, to read:

8482.8. (a) If there is a significant barrier to pupil participation in a program established pursuant to this article at the school of attendance, an applicant may request approval from the Superintendent of Public Instruction, prior to or during the grant application process, to provide services at another schoolsite. An applicant that requests approval shall address the manner in which the applicant intends to provide safe, supervised transportation between schoolsites; ensure communication among teachers in the regular school program, staff in the after school program, and parents of pupils; and align the educational and literacy component of the after school program with participating pupils' regular school programs.

(b) For purposes of this article, a significant barrier to pupil participation in a program established pursuant to this chapter means either of the following:

(1) Fewer than 20 pupils participating in the program.

(2) Extreme transportation constraints, including, but not limited to, desegregation bussing, bussing for magnet or open enrollment schools, or pupil dependence on public transportation.

SEC. 4. Section 8483 of the Education Code is amended to read:

8483. (a) (1) Every after school program established pursuant to this article shall operate a minimum of three hours a day and at least until 6 p.m. on every regular schoolday. Every program shall establish a policy regarding reasonable early daily release of pupils from the program.

(2) It is the intent of the Legislature that elementary school pupils participate in the full day of the program every day during which pupils participate and that pupils in middle school or junior high school attend a minimum of nine hours a week and three days a week to accomplish program goals, except when released early in accordance with the early release policy described in paragraph (1) or as reasonably necessary.

(3) In order to develop an age appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils. Priority for enrollment of pupils in middle school or junior high school shall be given to pupils who attend daily.

(b) The administrators of a program established pursuant to this article shall have the option of operating during any combination of summer, intersession, or vacation periods for a minimum of three hours per day at the approved rate for the regular school year pursuant to Section 8483.7.

SEC. 5. Section 8483.7 of the Education Code is amended to read:

8483.7. (a) It is the intent of the Legislature that a minimum of eighty-five million dollars (\$85,000,000) be appropriated for the program established pursuant to this article, through the annual Budget Act. Of the funds appropriated for the program, 50 percent shall be reserved for programs that operate at elementary schools and 50 percent shall be reserved for programs that operate at middle and junior high schools. If there are not a sufficient number of qualified applicants to use all of the funding in one category, the remaining funds may be used for qualified applicants in the other category.

(b) (1) (A) Every school that establishes a program pursuant to this article is eligible to receive a three year renewable incentive grant, subject to annual reporting and recertification as required by the State Department of Education, for either of the following, as selected by the school:

(i) Up to five dollars (\$5) per day per pupil, if the program serves pupils in elementary, middle, or junior high school.

(ii) Five dollars (\$5) per pupil for each three hours of pupil attendance, with a maximum total reimbursement of twenty-five

dollars (\$25) per pupil per week, if the program serves pupils in middle or junior high school. To receive reimbursement pursuant to this subparagraph, the program administrator shall apply to and receive approval annually from the Superintendent of Public Instruction. Approval by the Superintendent of Public Instruction shall be based on program results.

(B) The maximum total grant amount awarded pursuant to this paragraph shall be seventy-five thousand dollars (\$75,000) for each regular school year for each elementary school and one hundred thousand dollars (\$100,000) for each regular school year for each middle or junior high school.

(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):

(A) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.

(B) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.

(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:

(A) Five dollars (\$5) per day per pupil.

(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.

(4) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.

(c) The administrator of a program established pursuant to this article may supplement, but not supplant existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those after school programs.

(d) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.

SEC. 6. Section 32270.5 is added to the Education Code to read:

32270.5. The partnership shall discuss with providers of telephone equipment and services, and shall acquire information regarding, the availability of no-cost or reduced-cost cellular telephones and services to be provided on a statewide basis to each public school

teacher for use as a classroom safety device. Although the primary purpose of providing the cellular telephones is school safety, a teacher receiving a cellular telephone as a result of these discussions, shall be encouraged to use the cellular telephone for school related purposes other than school safety. These purposes would include purposes that further the smooth administration of general classroom and school functions, including, but not limited to, communicating with parents about a pupil's education, communication with pupils about classwork and homework assignments, and communicating with other teachers and school administrators about school operations generally. Thus, the discussions between the partnership and the providers shall include the availability of no-cost or reduced-cost services in consideration of the complete usage contemplated pursuant to this section. The partnership shall ensure that each school district, county office of education, schoolsite council, and school safety planning committee developing a school safety plan pursuant to Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 is provided with information regarding the availability of the no-cost or reduced-cost cellular telephones and services for consideration in developing its plan.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for school districts to increase school safety in the 1999–2000 school year, it is necessary that this act take effect immediately.

